

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RENAE HUBBARD, by her
next friend, NANCY HUBBARD;

Plaintiff,

CASE NO. 04-CV-60190-AA
JUDGE MARIANNE O. BATTANI
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

CITY OF SOUTHFIELD,
KEITH TOUPIN, NICK CAZAN,
TIM BOAL, COREY BAUMAN,
PATRICIA MEYER, SAM BIGGENS,
DAN DAVIS, MARK WOOD,
LARRY PORTER, AND
BARBARA LAZAR,

Defendants.

ORDER DEEMING WITHDRAWN WITHOUT PREJUDICE
DEFENDANTS' MOTION TO COMPEL PLAINTIFF'S DEPOSITION (Doc. Ent. 28)

On March 29, 2005, defendants filed the above-described motion. On April 12, 2005, plaintiff filed a response and Judge Battani referred the motion to me for determination.

On April 14, 2005, my deputy clerk noticed this motion for a May 3, 2005 hearing. However, on April 21, 2005, attorney Seward called to adjourn the hearing without date as the case may be dismissed.¹

On May 9, 2005, plaintiff's counsel filed a motion to withdraw. Judge Battani is scheduled to hear plaintiff's counsel's motion on June 8, 2005.

¹On May 10, 2005, attorney Seward filed a copy of a May 4, 2005 letter documenting the April 21, 2005 conversation with my law clerk.

In light of plaintiff's counsel's pending motion, defendants' March 29, 2005, motion to compel plaintiff's deposition (Doc. Ent. 28) is DEEMED WITHDRAWN WITHOUT PREJUDICE.

IT IS SO ORDERED.

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of ten days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

Dated: 5/18/05

s/Paul J. Komives
PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

The undersigned certifies that a copy of the foregoing order was served on the attorneys of record by electronic means or U.S. Mail on May 18, 2005.

s/Eddrey Butts
Case Manager